

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2009-348-T

IN RE: Petition of the Office of Regulatory Staff to)	
Rescind the Order of the Public Service)	MOTION TO RESCIND
Commission Granting a Class C)	COMMISSION ORDER
Certificate of Public Convenience And)	NO. 2009-610
Necessity to Mary W. Duncan DBA First)	
Choice Transportation For Failure to)	
Comply with Commission Order)	
No. 2009-610)	

The Office of Regulatory Staff ("ORS") hereby moves and requests that the Public Service Commission of South Carolina ("Commission") Rescind its Order Number 2009-610 issued in the above Docketed matter on September 1, 2009.

As stated in that Order, the Commission ruled that the Applicant Mary W. Duncan DBA First Choice Transportation ("DUNCAN" or "Applicant") was to file or cause to have filed with the Office of Regulatory Staff ("ORS") within sixty (60) days of the Order "the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2008) of the Commission's Rules and Regulations for Motor Carriers....",

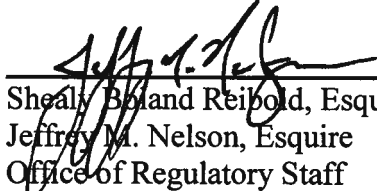
In support of this Motion, ORS would respectfully show:

1. That as of December 3, 2009, the ORS has not yet received from the Applicant DUNCAN the proof of insurance as required by 26 S.C. Code Regs.103-171, the License Decal Application Form and the Decal Fee as required by 26 S.C. Code Regs. 103-151 (1). See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with the Form E, and the appropriate License Decal Application Form and Decal Fee, the Applicant DUNCAN has not been issued a Certificate of Public Convenience and Necessity and has failed to comply with the terms of Commission Order No. 2009-610.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to Rescind Order No. 2009-610 based on the Applicant Duncan's failure to comply with the terms and conditions of that Order. Further, the ORS requests that subsequent to the issuance of the Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF



Shealy Bland Reibold, Esquire
Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
(803) 737-0800

December 17, 2009
Columbia, South Carolina

ATTACHMENT A

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2009-348-T

December 3, 2009

IN RE: Application of Mary W. Duncan DBA First Choice)
Transportation for a Class C Non-Emergency Certificate of) AFFIDAVIT OF
Public Convenience and Necessity of Certain Motor Carriers) Carole Chauvin

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On December 3, 2009, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1) has not been filed with ORS by the following company as of December 3, 2009:

**Mary W. Duncan DBA
First Choice Transportation
338 Big Mamas Road
Varnville SC 29944**

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 3rd day of Dec, 20 09

[Signature]
Notary Public for South Carolina

My Commission Expires: 5/11/2010

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2009-348-T

Application of Mary W. Duncan DBA First Choice)	
Transportation for a Class C Charter Certificate of)	CERTIFICATE OF SERVICE
Public Convenience and Necessity for Operation)	
of Motor Vehicle Carrier)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION TO RESCIND COMMISSION ORDER NO. 2009-610** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Mary W. Duncan DBA
First Choice Transportation
338 Big Mamas Road
Varnville, SC 29944



Chrystal L. Morgan

December 17, 2009
Columbia, South Carolina